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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,903	02/10/2004	Collie D. Brown		1208

7590 07/22/2005
Collie D. Brown
206 North Columbus Ave.
Mount Vernon, NY 10552

EXAMINER

AUGUSTIN, EVENS J

ART UNIT PAPER NUMBER

3621

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,903

Applicant(s)

BROWN, COLLIE D.

Examiner

Evans Augustin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

1. Claims 1-11 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remington et al. (U.6070150), in view of Spies et al. (U.S 569565).

As per claims 1-11, Remington et al. disclose an invention that relates to electronic bill presentment and payment remittance systems. The invention includes:

- Bill presentment and payment remittance system allows the biller to create a bill and payment remittance information in any desired format the biller chooses. The biller submits the bill and associated payment remittance information by electronically transmitting it over the Internet to the consumer. The bill is presented to the consumer through a user interface (UI) (column 5, lines 46-52)
- Digital signatures being used as a means for authenticating the parties, and providing integrity that the messages actually originated from the parties and have not been subsequently altered (column 15, lines 25-28)
- Software means to allow electronic bill payment (column 7, lines 43-60)

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- The Internet is used as the public electronic data network. One aspect of the internet is the fact that is a open network/architecture (column 7, lines 19-27)
- The system also uses email messages (column 8, lines 18-22)
- The biller and consumer computing units can be configured to encrypt the bill remittance information, and payment instructions prior to dispatch over the network (column 17, lines 18-21)
- The bill and presentment system further includes a consumer bank, which manages the consumer's account. Other depository financial institutions, such as a brokerage firm with checking privileges, may be substituted for the consumer bank within this system. The biller bank and consumer bank are connected to a clearing network, such as the ACH network (column 7, lines 29-41)
- Means to input information (column 8, line 40, column 11, lines 56-67)
- The system having the ability to use information from the biller to automatically populate certain data fields of the electronic check (column 13, lines 20-31)
- Bill presentment and transmission being done over the Internet (column 5, lines 44-64)
- The consumer can transmit payment information to initiate the billing process (column 15, lines 1-16)
- Data structure includes biller address data to hold a network address of the biller. This address is used to route the designated payment remittance information back to the biller (column 9, lines 50-54)

Remington et al. did not explicitly describe a method/system that uses encryption keys (public/private key pair) to encrypt transmitted data over a network. However, Spies et al. describes a system in which public/private are being used to ensure the safety of transmitted data over a network, using well-known RSA cryptographic algorithm (column 8, lines 49-50). The transactional entities are required to register with a certified trusted authority before being permitted to engage electronically in the commercial activity. Registration packet includes identification information (name, location, etc.), public cryptography keys unique to the participant, and a digital signature of the participant (column 8, lines 14-28). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to construct a system that uses encryption keys (public/private key pair) to encrypt transmitted data over a network. It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to implement a system that uses encryption keys (public/private key pair) to encrypt transmitted data over a network because it would provide a means to securely transfer information over a communication system that is presumed to be insecure, like the telephone lines or a public communications network (e.g., the Internet) (column 1, lines 41-45), and to secure sensitive and valuable electronic messages in a manner that insures privacy between the authenticate sender and authenticate recipient of the communiqué, even though the message is subject to interception on the insecure communication system (column 1, lines 46-50).

Conclusion

4. *Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are*

representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that if the applicant is preparing to respond, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Chang et al. (US 5884288)** - This invention relates to electronic communication systems and in particular to a method and apparatus for processing electronic bill payments between various financial institutions and clients connected by a network
- **Schutzer (US 6292789)** - The present invention generally relates to the field of computerized bill presentment and more particularly to the electronic delivery of a bill from any biller to any consumer and for electronic delivery of subsequent payment from the consumer to the biller
- **Hilt et al. (US 5465206)** - The present invention relates to the field of electronic bill payment systems ("bill pay") which allow a consumer to direct their bank, an agent of their bank, or a non-bank bill pay service bureau to pay amounts owed to merchants, service providers and other billers who bill consumers for amounts owed

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

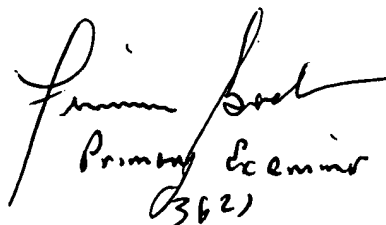
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Trammel can be reached on 571-272-6712.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-6584.

Evens J. Augustin
July 19, 2005
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Primary Examiner
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